

188423  
COPYPosted: D. DukeDept: SA-815Date: 9-21-07

ASHLEY OAKS DEVELOPMENT CORP.  
209 BLYTHEWOOD ROAD  
BLYTHEWOOD, SC 29016  
OFFICE 786-1414 FAX 754-7700

September 20, 2007

2007-41-w

Mr. Charles L.A. Terreni  
Chief Clerk/Administrator  
SC Public Service Commission  
101 Executive Center Drive, Suite 100  
Columbia, SC 29210

The property that I purchased in 1989 that became known as Ashley Oaks Subdivision had an old stone house on it. I remodeled it and sold it to Michael and Cynthia Baum on March 9, 1990. We had an agreement with the Baums that when Ashley Oaks water system needed to use that well, they would turn it back over to me and they then would become a customer and pay Ashley Oaks Water for their water usage, which they did (see letter attached dated December 9, 1992 to Mike Baum). At the closing of the Baum's house located on Lot 33 A.O. Phase II, we ran into a problem because they had obtained a VA loan. The VA would not allow the 100 ft. pollution free zone to be shown on the plat, so in order for the Baums to close it was left off the recorded plat at that time and was to be reinstated later. It was put back on record on December 7, 1993, at the time I sold the Baums the adjoining Lot 34 A.O., Phase II (see copy of plat dated 12-7-93 and recorded 2 -25-94).

The Young's purchased the Baum's property June 1, 1999 with the understanding that there was a community well on their property as well as 15,000 gallon water storage tanks, as well as easements and two 100 ft. pollution free zones on both Lots 33 and 34 A.O. Phase II ( see plat dated 12-7-93). They were happy and friendly and asked us to check on the well by driving down their driveway rather than going across our easement so as not to damage their grass. We obliged. For the first five years the Youngs paid their water bill, without any question. There never was a problem regarding ownership of the well until I went before the Commission for a rate increase in 2004.

At that hearing I said that the well was on the Young's property because it is located there, within my easement. I did not mean that the well was theirs. Having an easement does not mean that we own the property, but it does give us certain rights, such as getting to our well and storage tank. For example, a power company, such as Fairfield Electric, has a power line that runs across the Young's property. Let's assume they have proper easements. Since the power poles are physically on the Young's property, could the Young's claim that the poles and the wire belong to them? No. Ever since the rate increase hearing, the Youngs have been relentless in bombarding me with threatening letters in which they claimed the ownership of the well and water and calculated that

RECEIVED

SEP 21 2007

PSC SC  
MAIL / DMS

based on the number of gallons and the number of years I had used their well, that I owed them thousands of dollars. They also said they would not pay their water bill and filed a complaint with the Commission to that effect. (See letter and complaint, dated 9-28-04 from Chad Campbell.) Please refer to the letter dated November 5, 2004 from Chad Campbell and notice what he says in the second paragraph: "this is a property dispute, and therefore is beyond the powers and jurisdiction of this office." Proving that I own the well and had my easements in place with the proper language was expensive as I had to hire an attorney. This proof was sent to Chad Campbell and as a result he wrote his letter to the Youngs. See my letter to Chad Campbell, dated 10-12-04. It was obvious to Mr. Campbell that I owned the well, which was the conclusion of my attorney. As a result of this ruling, the Youngs had to continue paying their water bill.

I do not wish to fight with the Youngs. I have written them letters to that effect, plus I went by the Young's home and spoke directly with Bobbi Young. I had a very nice 30-minute conversation with her regarding the well, and at the end I thought we had an agreement worked out, but she said she would have to talk with their attorney, Charles Cook. I never heard back from the Youngs or Mr. Cook. Also, Mr. Cook would not negotiate at times with my attorney, Clay Walker, nor return his calls or correspondence.

In spite of the problems I have had with the Youngs, I signed a corrected deed on Lot # 34 on July 25, 2005 when it was discovered that the deed did not state that horses were allowed, as did the deed on Lot #33. Even though there was nothing in writing, and several neighbors of the Youngs asked me not to sign the corrected deed, I did because the original deed should have allowed for horses. I didn't try to leverage on the Youngs, as they have done with me, in regards to the water transfer to the City of Columbia. I knew that these two issues were unrelated.

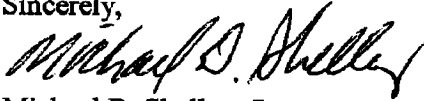
Lastly, the storage tank has never been in dispute. Yet once again Mr. Cook continues to waste the time of the Commission and monies of the Youngs and myself by now claiming that the storage tank belongs to the Youngs.

In conclusion, the evidence conclusively proves that I own the well, storage tank and easements. Therefore, I respectfully request that you consider the following proofs:

1. If the Baums owned the well would they have turned its operation over to Ashley Oaks Water and paid a water bill for seven years? It would be more likely that Ashley Oaks Water would have had to pay the Baums for the water usage.
2. If the Baums owned the well, wouldn't they have told the Youngs that they would own the well at the purchase of their home? Evidently nothing was said by the Baums that would indicate that the well was not owned by Ashley Oaks Water. Had the Youngs been told at closing that they would own the well, do you think they would have paid their water bill for five years? Remember that the Youngs never questioned the arrangement until I mentioned at the rate increase hearing that the well was on the Young's property. (See paragraph 3 for clarification.)

3. Chad Campbell, of the State of South Carolina Office of Regulatory Staff, ruled in my favor, after I provided them with information that my attorney had researched in the public records, and they clearly show that Ashley Oaks Water System has proper recorded plats and easements.

Sincerely,

A handwritten signature in black ink, reading "Michael D. Shelley, Sr." in a cursive script.

Michael D. Shelley, Sr.  
President

MDS/fpt

cc: Charles H. Cook

# **Northeast**

## **REALTY & BUILDERS**

December 9, 1992

Mike Baum  
1724 Fulmer Road  
Blythewood, S.C. 29016

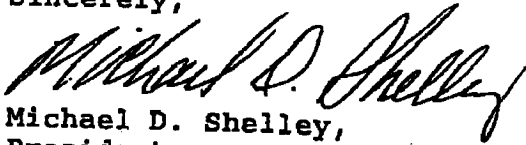
Re: Ashley Oaks Water System Co., Inc.

Dear Mike,

The rates for the above mentioned water company have been approved (copy enclosed). Starting January 1, 1993, we will begin charging for the water usage. Homeowners should receive their first bill around the 1st of February. If you have any questions please call 786-1414.

Also Mike, we need you to proceed with the hookup to the community water system as we need to utilize well #2 for additional capacity as DHEC will not allow individual lines to tie directly into the wells. This hookup needs to be completed by December 31, 1992.

Sincerely,

  
Michael D. Shelley,  
President

CUSTOM BUILDERS



DEVELOPERS

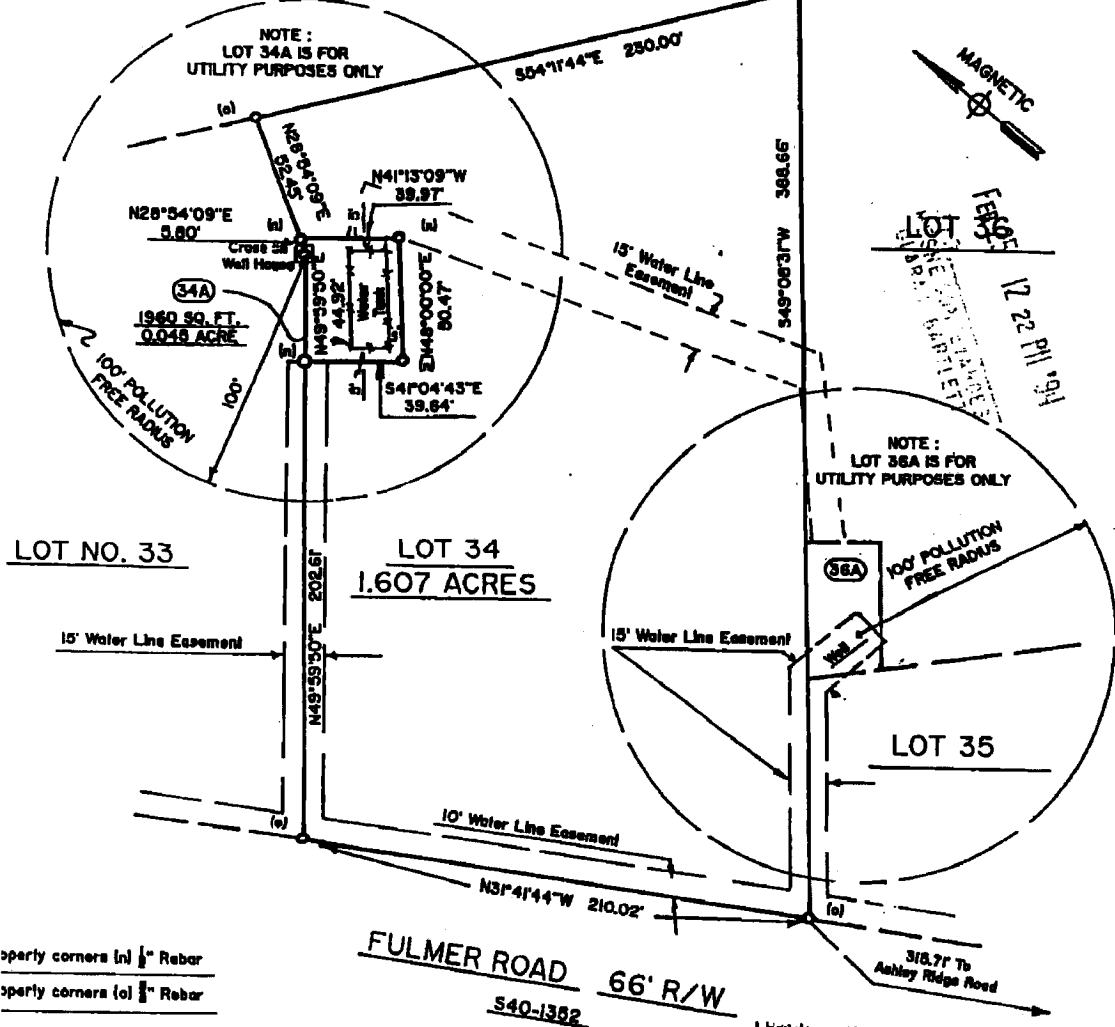
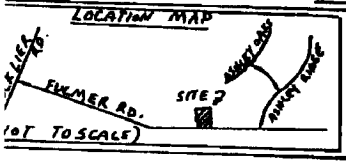
P.5

I HEREBY CERTIFY THAT THE PLAN SHOWN BY THE RICHLAND COUNTY SUBDIVISION IN THOSE REGULATIONS.

AND DESCRIBED HEREON IS TRUE AND CORRECT AND THE MONUMENTS HAVE BEEN PLACED

SURVEY TO THE ACCURACY REQUIRED BY THE SPECIFICATIONS SET FORTH

*Rosser W. Baxter, Jr.*  
ROSSER W. BAXTER, JR.  
RLS NO. 7613



Property corners (n) 1/2" Rebar  
Property corners (o) 1/2" Rebar

I hereby certify that I have consulted the Federal Insurance Administration Flood Insurance Rate Map and to the best of my knowledge and belief, the subject property is not located in special flood hazard zone A, B or V.

PLAT PREPARED FOR

MICHAEL R. BAUM & CYNTHIA A. BAUM

RICHLAND COUNTY, NEAR BLYTHEWOOD, SC  
LOTS NO. 34A & 34 COMPRISE LOT NO. 34 AS SHOWN ON PLAT OF ASHLEY OAKS SUBDIVISION, PHASE II, BY CIVIL ENGINEERING OF COLUMBIA, DATED MARCH 29, 1990, REVISED JUNE 5, 1990, AND RECORDED IN THE RMC OFFICE FOR RICHLAND COUNTY IN PLAT BOOK NO. 53, PAGE 3402.

1" = 60'  
30' 60' 120'

DECEMBER 7, 1993

HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS OF A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

BAXTER LAND SURVEYING CO., INC.

533 HARDEN STREET  
COLUMBIA, SC 29203  
(803)-282-8564

*Rosser W. Baxter, Jr.*  
ROSSER W. BAXTER, JR.

RLS NO. 7613

State of South Carolina  
Office of Regulatory Staff

C. DUKES SCOTT  
EXECUTIVE DIRECTOR

DAN F. ARNETT  
CHIEF OF STAFF

PO Box 11263  
Columbia, SC 29211  
Phone: (803) 737-0800  
Fax: (803) 737-0801

September 28, 2004

Mr. Mike Shelley  
Ashley Oaks Water Company  
209 Blythewood Road  
Blythewood, S.C. 29016

In Re: File No. 04-W-3322

Dear Mr. Shelley:

Pursuant to R. 103-820 ( C ) ( 3 ) of the Rules of Practice and Procedure, I am enclosing a letter of complaint from Mrs. Roberta Young. In her complaint, Mrs. Young has asked our Office to investigate the well on her property being used by Ashely Oaks Water Company. Mrs. Young states that this well is her property. Mrs. Young feels that she should not be required to pay a water bill, because the well is her property.

Please provide your response on or before October 12, 2004 in duplicate as a copy will be provided to the complainant. If you have any questions, please contact me at 803-737-5194.

Sincerely,



Chad Campbell, Investigator  
Consumer Services

Enclosures

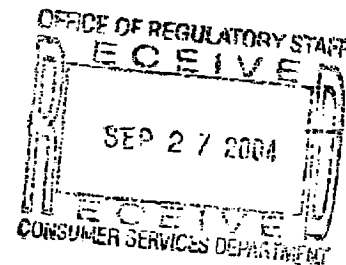
RECEIVED

SEP 29 2004

Stewart & Roberta Young  
1724 Fulmer Road  
Blythewood, SC 29016  
803-333-0738  
Blueseadog1@aol.com

09/16/04

Chad Campbell  
Office of Regulatory Staff  
PO Box 11263  
Columbia SC 29211  
803-737-5194



Dear Mr. Campbell,

We respectfully submit this request to your agency to ask for a full investigation regarding our personal well that is being used by the Ashley Oaks Water System. Enclosed are the documents that we feel you would need.

Please feel free to call on us at any time to expedite this process.

Stewart & Roberta Young

Handwritten signatures of Stewart and Roberta Young.

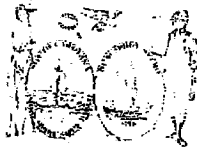
CC: Ray Peterson DHEC

State of South Carolina  
Office of Regulatory Staff

RECEIVED

NOV 8 2004

C. DUKES SCOTT  
EXECUTIVE DIRECTOR



DAN F. ARNETT  
CHIEF OF STAFF

PO Box 11263  
Columbia, SC 29211  
Phone: (803) 737-0800  
Fax: (803) 737-0801

November 5, 2004

Mrs. Roberta Young  
1724 Fulmer Road  
Blythewood, S.C. 29016

In Re: Our File No. 04-W-3322

Dear Mrs. Young:

This letter is in reply to your complaint filed with the Office of Regulatory Staff against Ashley Oaks Water Company, Inc. ("Ashley Oaks"). In your complaint, you stated that you have a personal well that is being used by Ashley Oaks. You stated that you do not want to pay any more water bills because the Company is using your well. Furthermore, you stated that you intend to take back the well for your personal use. I have enclosed a copy of the Company's response for your review.

Upon review of your complaint against Ashley Oaks, Staff has determined that this is a property dispute, and therefore is beyond the powers and jurisdiction of this Office. Furthermore, Staff is not aware of any regulation or statute that allows a customer to withhold payment for utility services during a property dispute such as this. According to Ashley Oaks, your past due amount is \$214.72.

In the absence of jurisdiction in this matter, this Office is available to conduct a complaint meeting between you and representatives of Ashley Oaks in an effort to resolve your complaint on an *informal* basis.



Mrs. Roberta Young  
November 5, 2004  
Page Two

If you have any questions, please contact me at 1-800-922-1531.

Sincerely,

  
Chad Campbell, Investigator  
Consumer Services

Enclosure

c: Mike Shelley, President, Ashley Oaks Water Co., Inc.

#

*ASHLEY OAKS WATER COMPANY, INC.*

209 BLYTHEWOOD ROAD  
BLYTHEWOOD, SC 29016

Phone: 786-1414  
Fax: 754-7700

October 12, 2004

Mr. Chad Campbell, Investigator  
Consumer Services  
State of South Carolina  
Office of Regulatory Staff  
Post Office Box 11263  
Columbia, South Carolina 292911

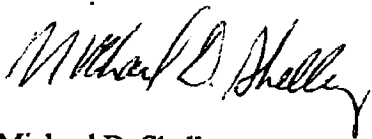
In Re: File No. 04-W-3322

Dear Mr. Campbell:

I have had my attorney, Mark Smith, pull the plats and deeds that have been recorded on Lots 33 and 34 Ashley Oaks Phase II. These are the lots that were initially sold to Stewart and Cynthia Baum and later to Stewart G. Young on June 1, 1999 (deed enclosed). As you can see from the deeds and recorded plats that all easements have been properly recorded.

I would appreciate your prompt response so that we may collect all monies due from the Youngs as to their water usage.

Sincerely,



Michael D. Shelley  
President

264.00  
132.00

TITLE TO REAL ESTATE - FORM 14-B  
COLUMBIA OFFICE SUPPLY CO., COLUMBIA, S. C.

State of South Carolina,  
COUNTY OF RICHLAND

RECORDING

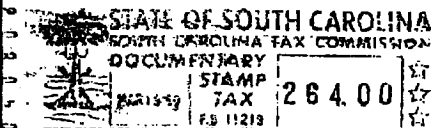


AID

MAR 20 3 55 PM '90  
FILED  
MESNE CONVEYANCES  
CLARA L. BARTLETT

Know All Men By These Presents, That

Michael D. Shelley



in the State aforesaid for and in consideration of the  
sum of One Hundred Twenty Thousand and No/100 (\$120,000.00)-----  
to me paid by Michael R. Baum and Cynthia A. Baum  
in the State aforesaid, the receipt whereof is hereby  
acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release  
unto the said MICHAEL R. BAUM AND CYNTHIA A. BAUM, THEIR HEIRS AND ASSIGNS:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near Columbia, S.C., in the County of Richland, State of South Carolina, the same being designated as Lot 33, Phase II of Ashley Oak Subdivision prepared for Northeast Realty & Builders by Civil Engineering of Columbia dated December 20, 1989. Said lot being more particularly described and delineated on a plat prepared for Michael R. & Cynthia A. Baum by Civil Engineering of Columbia dated February 26, 1990, to be recorded, and according to said latter plat having the following boundaries and measurements, to-wit: On the Northwest by lands now or formerly of Price whereon it measures 192.14 feet; on the Northeast by Lots 39 & 38 whereon it measures in a broken line the total distance of 311.18 feet; on the Southeast by Lot 34 whereon it measures in a broken line the total distance of 305.60 feet; and on the Southwest by right-of-way of Fulmer Road (60' R.O.W.) S-40-1352 whereon it fronts and measures 341.21 feet; be all said measurements a little more or less.

DERIVATION: Deed Book D924 at page 231 and Deed Book D926 at page 675

TMS #12500-3-2 (portion) and TMS #12400-2-5 (portion)

Grantor Address: Route 4, Box 57, Fulmer Road, Blythewood, SC 29116

This conveyance is made subject to all easements, restrictions and covenants of record by instruments and or plats, as well as those restrictions and agreement attached hereto as Agreement and Schedule "A".

D0972PAGE137

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

To Have and to Hold all and singular the premises before mentioned unto the said Michael R. Baum and Cynthia A. Baum, their

Heirs and Assigns forever

And I do hereby bind myself and my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said

Michael R. Baum and Cynthia A. Baum, their

Heirs and Assigns, against us and our Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 9th day of March  
in the year of our Lord one thousand nine hundred and ninety  
and in the two hundred and thirteenth year of the Sovereignty  
and Independence of the United States of America.

Signed, Sealed and Delivered  
in the presence of

*Daisy K. [Signature]*  
*[Signature]*

*Michael D. Shelley* (SEAL)  
MICHAEL D. SHELLEY  
(SEAL)

D BK 1173 PAGE 793

TITLE TO REAL ESTATE

William F. Cotty, Attorney  
1328 Blanding Street  
Columbia, SC 29201

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND )

KNOW ALL MEN BY THESE PRESENTS, that MICHAEL D. SHELLEY

in consideration of

TWENTY ONE THOUSAND AND NO/100 (\$21,000.00) DOLLARS

the receipt of which is hereby acknowledged, have granted,  
bargained, sold, and released, and by these presents does grant,  
bargain, sell and release unto:

MICHAEL R. BAUM AND CYNTHIA A. BAUM, THEIR heirs and assigns

All that certain piece, parcel or lot of land with the improvements thereon, situate, lying and being near the Town of Blythewood, County of Richland, State of South Carolina, known and designated as Lot No. 34, as shown on plat of Ashley Oaks Subdivision, Phase II, by Civil Engineering of Columbia, dated March 29, 1990, revised June 5, 1990, and recorded in the RMC Office for Richland County in Plat Book No. 53, page 3402. Said lot being further shown and delineated on that plat prepared for Michael R. Baum & Cynthia A. Baum by Baxter Land Surveying Co., Inc., dated December 7, 1993, to be recorded, and according to the latter plat having the following boundaries and measurements, to-wit: on the Northwest by Lot 33 whereon it measures 202.61 feet; on the Southwest by Lot 34A whereon it measures 39.64 feet; on the Northwest by Lot 34A whereon it measures 50.47 feet; on the Southwest by Lot 34A whereon it measures 39.97 feet; and on the Northwest by Lot 33 whereon it measures 52.45 feet; on the Northeast by Lot 38 whereon it measures 230.00 feet; on the Southeast by Lot 36 and portion of Lot 35 whereon it measures 388.66 feet; and on the Southwest by Fulmer Road-S40-1352- (66' R/W) whereon it fronts and measures 210.02 feet; be all measurements a little more or less.

Reserving unto Grantor, his successors and assigns, an easement of Fifteen (15') ft., for water line installation, maintenance and repair, on said lot as shown on the above referenced plat. to include access to Water tank parcel.

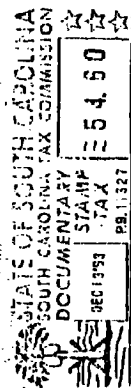
DERIVATION: D924 page 231 and D926 page 675.

GRANTEES ADDRESS: 1724 Fulmer Road, Blythewood, S. C. 29016

TMS: 12500-03-37.

See above referenced plat for additional easements for water lines and the subdivision restrictions for further easements and reservations. Grantee by acceptance agrees not to allow and pollution of the "100' pollution free radius" area for either area shown on the above referenced plat.

D BK 1173 PAGE 793



1 2 1 5 2 0

Book 00315-0274  
1999049798 06/10/1999 11:46:34.70  
Fee: \$10.00 County Tax: \$202.40 State Tax: \$478.40



STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND ) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, That

MICHAEL R. BAUM AND CYNTHIA A. BAUM

in the State aforesaid, for and in consideration of the sum of ONE HUNDRED EIGHTY-FOUR THOUSAND AND 00/100 (\$184,000.00) Dollars, to them paid by STEWART G. YOUNG in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto the said

STEWART G. YOUNG

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near the Town of Blythewood, in the County of Richland, State of South Carolina, the same being designated as Lots 33 and 34, Phase II of Ashley Oak Subdivision prepared for Northeast Realty & Builders by Civil Engineering of Columbia dated December 20, 1989 and recorded in Plat Book 52 at page 9764 in the Office of the Register of Deeds for Richland County, and being more particularly shown on a plat prepared for Stewart G. Young by Ben Whetstone Associates dated June 1, 1999 and recorded in Record Book 315 at page 289 in the Office of the Register of Deeds for Richland County, and said lot of land having the measurements and boundaries as shown on the latter referred to plat which is incorporated herein by reference.

Lot 33 is the identical property heretofore conveyed to Michael R. Baum and Cynthia A. Baum by deed of Michael D. Shelley dated March 9, 1990 and recorded March 20, 1990 in Deed Book D-972 at page 137 in the Office of the Register of Deeds for Richland County.

Lot 34 is the identical property heretofore conveyed to Michael R. Baum and Cynthia A. Baum by deed of Michael D. Shelley dated December 9, 1993 and recorded December 13, 1993 in Deed Book D-1173 at page 793 in the Office of the Register of Deeds for Richland County.

Grantees' Address: 1724 Fulmer Road  
Blythewood, SC 29016

TMS# 12500-03-38

This conveyance is made subject to existing easements and to restrictions and easements of record, including, those shown on recorded plats.

TOGETHER with all and singular the Rights, Members, Hereditaments, and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the said STEWART G. YOUNG, his Heirs, and Assigns forever.

AND they do hereby bind themselves and their Heirs and Assigns to warrant and forever defend all and singular the premises unto the said STEWART G. YOUNG, his heirs and assigns against them and their Heirs, and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the within Deed has been executed this 1st day of June, 1999.

Signed, Sealed and Delivered  
In The Presence Of:

George F. Hefley

Michael R. Baum  
MICHAEL R. BAUM

Antoinette P. Innesdale

Cynthia A. Baum  
CYNTHIA A. BAUM

Richland County Road

John G. Morris

This Document is not to scale

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

PROBATE

PERSONALLY appeared the undersigned witness, Antoinette P. Truesdale and made oath that she saw the within named Michael R. Baum and Cynthia A. Baum sign, seal, and, as their act and deed, deliver the within deed and that she with George E. Lafaye, III, witnessed the execution thereof.

Antoinette P. Truesdale

SWORN TO and subscribed before me  
this 1<sup>st</sup> day of June, 1999.

George E. Lafaye, III  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 4/27/2002

Richland County ROD

JOHN G. MORRIS

This Document is not to scale



From: Mike Shelley, Ashley Oaks Developer  
Northeast Realty & Builders, Inc.  
209 Blythewood Road  
Blythewood, SC 29016  
786-1414

February 26, 2005

To: Ashley Oaks II/IIA Homeowners

To Whom It May Concern:

It was my original intent that lots 33 & 34, currently owned by Greg and Bobbi Young, could be used as a horse property.

DHEC has instructed me that two horses are not a threat to the quality of water currently being produced by "The Ashley Oaks Water System," so I have no problem with two horses grazing and exercising in proximity to the wells. Furthermore, the Youngs have been good stewards of their property and, like myself, have always sought to use natural alternatives to commercial chemical pesticides and fertilizers everywhere on their property.

Therefore, I see no reason why the Youngs should not proceed to develop their property for horse keeping.

Respectfully Submitted,

Mike Shelley

All that certain piece, parcel or lot of land with the improvements thereon, situate, lying and being near the Town of Blythewood, County of Richland, State of South Carolina, known and designated as Lot No. 34, as shown on plat of Ashley Oaks Subdivision, Phase II, by Civil Engineering of Columbia, dated March 29, 1990, revised June 5, 1990, and recorded in the RMC Office for Richland County in Plat Book No. 53, page 3402. Said lot being further shown and delineated on that plat prepared for Michael R. Baum & Cynthia A. Baum by Baxter Land Surveying Co., Inc., dated December 7, 1993 to be recorded, and according to the latter plat having the following boundaries and measurements, to-wit: on the Northwest by Lot 33 whereon it measures 202.61 feet; on the Southwest by Lot 34A whereon it measures 39.64 feet; on the Northwest by Lot 34A whereon it measures 50.47 feet; on the Southwest by Lot 34A whereon it measures 39.97 feet; on the Northwest by Lot 33 whereon it measures 52.45 feet; on the Northeast by Lot 38 whereon it measures 230.00 feet; on the Southeast by Lot 36 and portion of Lot 35 whereon it measures 388.66 feet; and on the Southwest by Fulmer Road-S40-1352-(66'R/W) whereon it fronts and measures 210.02 feet; be all measurements a little more or less.

9

repair, on said lot as shown on the above referenced plat to include access to Water tank parcel.

DERIVATION: D924 Page 231 and D926 Page 675

GRANTEE ADDRESS: 1724 Fulmer Road, Blythewood, S. C. 29016

TMS: 12500-03-37

See above referenced plat for additional easements for water lines and the subdivision restrictions for further easements and reservations. Grantee by acceptance agrees not to allow any pollution of the "100' pollution free radius" area for either area shown on the above referenced plat

This conveyance is subject to all easements, plat restrictions, reservations, covenants and permits of record and all easements which a visual inspection of the property would reveal.

Together with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

The owners of this Lot, together with their Heirs, Successors and Assigns, shall be allowed to have up to, but not more than two (2) horses to be kept on the premises for personal use of themselves, their family, guests and invitees.

To Have and To Hold all and singular the premises before mentioned unto the said Grantee, his Heirs, Successors and Assigns forever.

And the Grantor does hereby bind himself and his heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's Heirs, Successors and Assigns, against the Grantor and the Grantor's Heirs, Successors and Assigns and against every person

whomsoever lawfully claiming, or to claim, the same or any part thereof.

Any reference in this instrument to the plural shall include the singular, and vice versa. Any reference to one gender shall include the others; including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

WITNESS the Hand and Seal of the Grantor this 25<sup>th</sup> Day of July in the year of our Lord two thousand five and in the two hundred and twenty-ninth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered  
in the Presence of:

Paula Schuler  
Witness  
[Signature]  
Notary Public

Michael D. Shelley <sup>MOP</sup> (SEAL)  
Michael D. Shelley

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as his act and deed, deliver the within written deed for the uses and purposes therein mentioned and that s/he with the other witness whose signature appears above witnessed the execution thereof.

Paula Schuler  
Witness

SWORN to before me this  
25<sup>th</sup> day of July, 2005.

[Signature] (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 5-8-09

**WALKER & REIBOLD, LLC**  
ATTORNEYS AT LAW

3800 FOREST DRIVE  
SUITE C-201  
COLUMBIA, SC 29204

P.O. BOX 61140  
COLUMBIA, SC 29260

May 14, 2007

Phone: (803) 454-0955

Fax: (803) 454-0956

via email

Mr. Michael Shelley  
209 Blythewood Road  
Blythewood, SC 29016

**RE: Water System Transfer**

Dear Mike:

Enclosed please find the Youngs' response to the motion for an expedited hearing. The attorney at the office of Regulatory Staff indicates that this return muddies the water enough that the PSC probably will not grant an expedited review.

➤ The Youngs have never responded to our settlement offer. The staff lawyer called first thing Monday morning to ask if we could try to set a date for an earlier hearing on the merits. I am presuming this will be sometime in June or July.

My advice to you at this point is to hire someone who appears regularly before the Public Service Commission. As you know, I got involved in this matter initially to try to settle the disputes with the City and the Youngs. While we appear to have made progress with the City, we have gotten nowhere with the Youngs at this point. Please call me about this at your earliest convenience. I am

Very truly yours,

H. Clayton Walker, Jr.

HCWjr:hbq